

## **REMARKS**

### **I. Introduction.**

Claims 8, 9, 11-13 and 15-18 are currently pending in this Application, of which claim 8 is independent. Claim 8 has been amended. Applicant respectfully submits that all pending claims are condition for allowance.

### **II. Rejections under 35 U.S.C. §102(e).**

Claims 8, 9 and 11 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,869,567 to Gilbert et al. (hereinafter “*Gilbert*”) and U.S. Published Application No. 2002/0146313 to Thut (hereinafter “*Thut*”). Claims 8, 9, 12 and 13 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,562,286 to Lehman (hereinafter “*Lehman*”). At least for the reasons discussed below, Applicant respectfully submits that the pending claims patentably distinguish over the cited art.

Applicant respectfully submits that none of the cited references disclose each and every limitation of independent claim 8 as amended. In particular, none of the references disclose or even suggest a molten metal pump including a superstructure and a plurality of support posts, wherein each support post comprises (1) a first portion comprising a first width and configured to extend through an opening in the superstructure for interfacing with a post clamp (*see, e.g.*, portion 34B in Fig. 1A and ¶¶26-29 of Application) and (2) a second portion comprising a second width greater than the first width, wherein the superstructure is supported at least in part by the top surface of the second portion of each support post. *See, e.g.*, Application, Fig. 1A.

In *Gilbert*, the superstructure 102 rests on the ends of the support posts (98, 110, 104) and is fastened to the posts using coupling screws 123. *See* col. 3, lines 37-40. The posts in *Gilbert* are all of uniform width and no portion of any post extends through an opening in the superstructure for interfacing with a post clamp as required by independent claim 8.

Likewise, the superstructure 50 of the pump in *Thut* is bolted into the ends of support posts 44. Each support post 44 is of uniform width and no portion of any post extends through an opening in the superstructure for interfacing with a post clamp as required by claim 8.

*Lehman* also does not disclose or even suggest every limitation of independent claim 8. For example, the embodiment in Figure 9 (cited by the Office Action) shows post 82 engaging

coupling 60 underneath superstructure 80. No portion of the post 82 extends through an opening in the superstructure for interfacing with a post clamp as required by claim 8. Moreover, nothing in *Lehman* discloses or even suggests a support post with a first portion comprising a first width and configured to extend through an opening in the superstructure for interfacing with a post clamp and a second portion comprising a second width greater than the first width wherein the superstructure is supported at least in part by the top surface of the second portion of each support post. Instead, the superstructure is supported using a through-bolt 76 in every configuration of the system in *Lehman*.

Claims 9 and 11-13 are dependent on independent claim 8 and are thus believed to be allowable for the same reasons set forth above.

### **III. Rejections under 35 U.S.C. § 103.**

Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,562,286 (*Lehman*) in view of either U.S. Patent No. 5,330,328 to Cooper (*Cooper* '328) or U.S. Patent No. 5,203,681 to Cooper (*Cooper* '681). As set forth above, *Lehman* does not disclose or suggest the limitations of independent claim 8, upon which claims 15-18 ultimately depend. Applicant respectfully submits that Cooper '681 does not supply that which is lacking in *Lehman* and therefore the Office Action fails to establish a *prima facie* case of obviousness.

## CONCLUSION

In view of the amendments and arguments herein, reconsideration is respectfully requested. Applicant believes the case is in condition for allowance, and respectfully requests withdrawal of the rejections and allowance of the pending claims.

Applicant reserves the right to prosecute any cancelled claims or additional claims, including claims of broader scope, in a continuation application.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to **Deposit Account No. 19-3878**.

The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

Respectfully submitted,

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